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Regulatory
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Exempt Action Final Regulation Agency Background Document

Agency name	Department of Medical Assistance Services
Virginia Administrative Code (VAC) citation	12 VAC 30, Chapter 130
Regulation title	Amount, Duration and Scope of Selected Services
Action title	DRA Mandated Treatment Foster Care Changes
Document preparation date	

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The Deficit Reduction Act of 2005, Section 6052 states that case management services may not include direct services to clients. The DRA also prohibits Medicaid reimbursement for case management services for which a third party is liable for payment, including medical, social, educational, or other program services. These final exempt changes will eliminate references to direct services and services that can be reimbursed by other programs. The Agency had no discretion in making these changes, which will ensure compliance with the Deficit Reduction Act of 2005.

Statement of agency final action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

I hereby approve the foregoing Agency Background Document with the attached amended State Regulations, Amount, Duration and Scope of Selected Services: DRA Mandated Treatment Foster Care Changes (12 VAC 30-130-900, --910, and –930), and adopt the action stated therein. I certify that this final regulatory action has completed all the requirements of the Code of Virginia § 2.2-4012, of the Administrative Process Act.

Date

Patrick W. Finnerty, Director
 Dept. of Medical Assistance Services

Substance

Please detail any changes that are proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate.

The regulations that are affected by this action are Amount, Duration and Scope of Selected Services (12 VAC 30-130-900, --910, and –930).

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
12 VAC 30-130-900		Definitions	Removes all references to non-medical related treatment or services.
12 VAC 30-130-910		Targeted Case Mgt. for foster care children	Removes all references to non-medical related treatment or services.
12 VAC 30-130-930		Organization and administration requirements	Removes all references to non-medical related treatment or services.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

This regulatory action will not have any negative effects on the institution of the family or family stability. It will not increase or decrease disposable family income or erode the marital commitment. It will not discourage economic self-sufficiency, self-pride, or the assumption of family responsibilities.